

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
ADDENDUM TO FINAL STATEMENT OF REASONS FOR REGULATORY ACTION

Amend subsections 5, 12.5, 18.5(B), 43.5, 59.5, 68, 118(B), 124, 129(B),
156, 168.5, 186(B), 198(E) and 212(A) of Section 7.50(b)
Title 14, California Code of Regulations
Re: Central Valley Salmon Sport Fishing

Updated Summary of Primary Considerations Raised in Support of or Opposition to the Proposed Actions and Reasons for Rejecting Those Considerations:

(1) Bill Divens, King Salmon Lodge, and Danny Alcala, duplicate e-mails dated March 27, 2008:

- a. The economic and cost impacts shown in the original Initial Statement of Reasons (ISOR) are not correct.
- b. The Commission needs to address excessive water exports from the Delta.
- c. They request a one adult salmon per day limit.
- d. They request a 2 salmon per season salmon punch card.
- e. They request the use of buoyant lures only to reduce snagging.
- f. They request a normal late-fall Chinook season from November through January with a 2 fish bag limit.

Response:

- a. The April 23 Amended ISOR and April 29 continuation notice included the updated economic and cost impacts for the three options of the Amended ISOR. The final economic and cost impacts are covered in Section X of this Final Statement of Reasons.
- b. This comment does not address inland salmon fishery regulations and cannot therefore be addressed in this particular regulatory procedure.
- c. A one salmon bag limit was considered, but the Commission decided that any harvest of SRFC would be excessive, given the stock's low abundance.
- d. The use of salmon punch cards as proposed will lead to excessive harvest of Sacramento River Fall Chinook.
- e. Snagging is already an illegal activity and adding additional gear restrictions will not stop the illegal activity.
- f. The Commission adopted a late-fall Chinook season from November 1 to December 31 from Red Bluff Diversion Dam to Knights Landing with a one fish bag limit with the rest of the Central Valley closed for the retention of Chinook salmon to provide maximum protection to fall and spring Chinook in the Central Valley while providing limited harvest of late-fall Chinook. The one fish bag limit was adopted instead of a

normal two fish bag limit to avoid excessive harvest of late-fall Chinook in the focused fishery on this relatively small stock.

(2) Allen Short, San Joaquin River Group, letter dated April 2, 2008:

- a. They support the zero bag limits on the San Joaquin River system.
- b. They want to eliminate all fishing restrictions on largemouth bass and striped bass to stop their predation on salmon.
- c. They feel restricting salmon fishing is just the first step.
- d. The continued existence of striped bass further degrades salmon populations.
- e. They feel the Commission should not permit sport fishing on listed species.

Response:

- a. Support Noted.
- b. Striped bass have been in the delta for about 120 years and their annual predation on salmon has not been identified as a primary cause of the recent dramatic coast-wide ocean abundance decline of salmon.
- c. This comment cannot be addressed by inland salmon fishery regulations and, therefore, cannot be addressed in this particular regulatory procedure.
- d. See Response 2b.
- e. The adopted regulations add maximum protection to listed spring-run and non-listed fall-run Chinook in the Central Valley, and maintain current protection of listed winter-run Chinook, while providing limited harvest of non-listed late-fall Chinook.

(3) Barbers Country Farm, e-mail dated April 10, 2008:

- a. He does not want the ocean fishery closed without closing the river fishery.
- b. How was the \$100 million provided for salmon in the five years spent?

Response:

- a. About 98% of the river fishery will be closed with the new Central Valley regulations, thus essentially being in congruence with the ocean fishery closure.
- b. There have been numerous bonds and federal funds devoted the salmon run and habitat restoration in different watersheds statewide in the past five years.

(4) Bob Boucke, Johnson Bait and Tackle, oral comments at Commission teleconference on April 15, 2008 and meeting on May 9, 2008:

- a. He requested a one fish bag limit on the Feather River with a September 30 closing date.
- b. Oroville Lake level is low this year and the river fishery is needed to provide fishing opportunity.
- c. He opposes closure of the Feather River.
- d. He wants to just close the area below the Thermalito Afterbay outfall where most of the fishing effort is located.
- e. He asks the Feather River Hatchery operated at full capacity.
- f. He asks for better in-river spawning habitat.
- g. He asks for a water flush during fry releases from the Feather River Hatchery to help them move out of the area.
- h. He supports a salmon punch card.
- i. He is concerned about hot water being release from the Thermalito Afterbay.
- j. Who do we contact to get economic relief?

Response:

- a. See Response 1c and 2e.
- b. See Response 1c and 2e.
- c. See Response 1c and 2e.
- d. See Response 1c and 2e.
- e. National Marine Fisheries Service has requested the California state and federal hatcheries limit their production to their individual mitigation goals to reduce food and habitat competition with wild natural stocks.
- f. See Response 1b.
- g. See Response 1b.
- h. See Response 1d.
- i. See Response 1b.
- j. The information will be released at a later date after the US Congress decides on the level of economic relief.

(5) Don Herrold, oral comments at Commission teleconference on April 15, 2008:

- a. He supports closures to protect Sacramento River Fall Chinook.
- b. He requests that no catch and release fishing be allowed.

Response:

- a. See Response 2e.
- b. A complete ban on catch-and-release angling of Chinook salmon would require a complete closure to fishing for all species in all Central Valley waters affected by this rulemaking. The adopted regulations provide maximum protection to Central Valley spring- and fall-run Chinook, while also allowing limited harvest of late-fall Chinook and

other species. The Department recognizes that there may be incidental capture of Chinook salmon in the other Central Valley river sport fisheries. However, through outreach efforts, the Department is requesting that anglers not target salmon for catch-and-release angling to avoid post-capture stress and mortality, but that they instead target the other species for which harvest is allowed.

(6) Paul Weakland, oral comments at Commission teleconference on April 15, 2008:

- a. He wants a zero bag limit with no catch and release fishing.

Response:

- a. See Responses 2a, 2e, and 5b.

(7) Don Morgan, letter dated April 19, 2008:

- a. He wants a zero bag limit on salmon.
- b. He feels a reduced bag limit on the Feather River will not help.

Response:

- a. Support noted. See also Responses 1c, 1f, and 2e.
- b. Support noted. See also Response 2e.

(8) Gary Ogle, letter dated April 23, 2008:

- a. He wants all hatcheries to be operated at full capacity.
- b. He wants to release all hatchery fish via the acclimation pens in San Francisco Bay.

Response:

- a. See Response 4e.
- b. See Response 1b.

(9) Michael Johnson, e-mail dated April 24, 2008:

- a. He asks for a one fish limit per year for 2008.

Response:

- a. A one-fish-per-year limit would have to be administered and enforced with a punch card, which does not currently exist and cannot be addressed in this particular regulatory package. See also Response 1f..

(10) John Hall, e-mail dated April 24, 2008:

- a. He feels there is no conclusive evidence that low water flows and lack of food in the ocean is the cause of the salmon decline.
- b. He feels that sea lions are the problem and they must be hunted to reduce their numbers.
- c. He feels the areas where striped bass spawn should be investigated as the salmon and striped bass eat the same food to find out more information on sea lion predation and their impact.

Response:

- a. See Response 1b.
- b. Marine mammals are under federal management and cannot therefore be addressed in this particular regulatory procedure.
- c. See Responses 1b, 2b, and 10b.

(11) Mark Milcoch, oral comments at Commission meeting on May 9, 2008:

- a. He opposes the Deschutes Road to Red Bluff Diversion Dam closure on the Sacramento River as DFG spawning charts show fall Chinook spawning is over in the 3rd week of November.
- b. He does not want 30 miles of river and 2 weeks of the current season closed.

Response:

- a. Fall-run spawner escapement surveys conducted by the Department indicate that fall-run Chinook spawn on the Sacramento River above Red Bluff Diversion Dam (RBDD) at least through November. Spawning by late-fall-run Chinook follows shortly thereafter. The area in question contains the heart of spawning habitat for Sacramento River fall-run Chinook salmon. Therefore, including this area in the adopted November-December fishery downstream from RBDD would allow unwarranted harvest of fall-run Chinook. See also Response 13b.
- b. See Response 1c and 2e.

(12) Robert Weeze, oral comments at Commission meeting on May 9, 2008:

- a. He opposes all Commission and PFMC options.
- b. He wants a new Option 1 that has current seasons with 2 fish bag limit and salmon punch cards.
- c. He wants a new Option 2 that allows one salmon and one jack bag limit from Red Bluff Diversion Dam to Carquinez Bridge from January 1 to October 31, then 1 salmon from November 1 to December 31.
- d. He wants a new Option 3 that allows one salmon and one jack bag limit from January 1 to July 16 on the Feather; one salmon from

Cottonwood Creek to Knights Landing from November 1 to December 31 on the Sacramento.

- e. He feels the sport fishermen have little impact on the fall Chinook.
- f. He feels the Delta water diversions are the major problem.
- g. He disagrees with the NMFS early assessment that ocean conditions are the main problem.
- h. He supports a disaster declaration, if a total closure is enacted.

Response:

- a. Comment noted.
- b. This option will lead to excessive harvest of Sacramento River fall-run Chinook. See Response 1f
- c. See Response 1f and 12b.
- d. See Response 1f and 12b.
- e. The majority of salmon caught under the current season structure are fall Chinook.
- f. See Response 1b.
- g. See Response 1b.
- h. The federal disaster declaration for the commercial and sport salmon fisheries was made on May 1, 2008.

(13) Dave Jacobs, oral comments at Commission meeting on May 9, 2008:

- a. He opposes a complete river closure.
- b. He wants the area from the Deschutes Road to Red Bluff Diversion Dam closure on the Sacramento River to be left open and wants the reason why it is being closed.
- c. He stated the fisherman have historically had access above the Deschutes Road does not want to lose the area from the Deschutes Road to Red Bluff Diversion Dam forever.
- d. He recommends the use of salmon punch cards with a 2 fish annual limit.

Response:

- a. See Response 1c and 1f.
- b. This area was closed to provide additional protection to Sacramento River fall-run Chinook that spawn above the Red Bluff Diversion Dam, or are holding there prior to their upstream migration to the Coleman National Fish Hatchery on Battle Creek.
- c. The area from the Deschutes Road to the Red Bluff Diversion Dam is expected to reopen once the Sacramento River Fall Chinook have recovered from their low abundance.
- d. See Response 1d.